

FBI Aide C By Court

Battle Orders Fingerprint Expert To Show Cause In Publicity Order

[redacted] of Washington, a senior FBI fingerprint expert, was ordered yesterday to show cause on Dec. 6 why he should not be adjudged in contempt for violation of a Criminal Court order limiting pretrial publicity in the case of James Earl Ray.

Criminal Court Judge W. Preston Battle ordered Mr. [redacted] to appear before him on that date for the contempt hearing. Judge Battle said it was impracticable to hold the hearing before Ray's trial, set for Nov. 12.

[redacted] is expected to be a key witness, giving fingerprint testimony, as the prosecution presents its case. Ray is charged with the deer-rifle slaying of Dr. Martin Luther King here April 4.

Judge Battle cited Mr. [redacted] upon the recommendation of an amicus curiae committee of the Memphis and Shelby County Bar Association. The committee, headed by Lucius Burch, advised Judge Battle it believes [redacted] had actual knowledge of the aforesaid orders, decrees and injunctions issued by this court. "Your petitioners aver therefore that there is strong cause to believe that respondent [redacted] is in contempt."

The charge is based on an interview with Mr. [redacted] published in the Sept. 11 issue of the Wichita (Kan.) Beacon. Mr. [redacted] was quoted as saying Ray's fingerprints were found near the scene of Dr. King's murder in Memphis.

"There is no doubt in my mind that Ray at least handled the murder weapon," Mr. [redacted] was quoted as saying. He was in Wichita to speak on fingerprint identification at a police seminar.

In Washington, a Justice Department spokesman said there would be no comment before Judge Battle's attested order reaches Washington. But he read the "Katzback Guidelines" governing utter-

Rule 3 says, "We do not believe department personnel should refer (publicly) to investigative procedures, such as fingerprints, polygraphs (lie detector results), ballistics or laboratory tests. Such demonstrative facts constitute evidence which should be presented publicly for the first time to the trial jury in a court of law."

"Disclosure of such matters to the public before trial can be deeply prejudicial without any significant addition to the public's need to be informed."

Mr. [redacted] the fifth man to be charged with contempt of Judge Battle's pretrial publicity order. Ray's chief defense counsel and an investigator employed by him and two Memphis reporters were convicted Sept. 30 of contempt with sentence deferred.

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EDITOR: FRANK R. ANGREN

"All lawyers participating in this case, their assistants, associates, staff members, investigators and employees under their supervision and control"